

REMARKS

In the November 6, 2008 Office Action, claims 5-7 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the November 6, 2008 Office Action, Applicant submitted an Amendment on February 4, 2009. Applicants submit this *Supplemental* Amendment to further amend claims 5 and 7.

Applicants respectfully request the entrance of this Amendment.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claims 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Unezaki et al. (JP 2002-357337-A, hereinafter "Unezaki"). Also, on pages 2-3 of the Office Action, claims 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Taira et al. (U.S. Patent No. 5,806,329, hereinafter "Taira"). In response, Applicants have amended independent claims 5 and 7 by the February 4, 2009 Amendment and further amended claims 5 and 7 by this supplemental amendment to define the present invention over the prior art of record.

In particular, independent claim 5 now recites a fifth step of changing over a refrigerant circuit that is composed of the existing refrigerant piping with the new heat source unit and the new user unit to normal operation state which has the oil collecting device attached thereto. Further, independent claim 7 now recites an existing air conditioner that is composed of an old heat source unit and an old user unit and also recites that the *refurbished* air conditioner (i.e., the air conditioner having the new user unit and new heat source unit) has a new heat source unit, a new user unit, an oil collecting device, and a *reused* existing refrigerant piping. Applicants respectfully assert that the steps of claim 5 and the structure of claim 7 are not disclosed or suggested by Unezaki and Taira.

Claims 5 and 7 recite that the existing refrigerant piping is reused in the existing air conditioner when the device is updated. In claim 5, the updating in this instance is constituted with first step of recovering a working refrigerant, second step of replacing selected old equipment, third step of charging a new working refrigerant, fourth step of washing the existing piping, and fifth step of changing over the refrigerant circuit to the normal operation

state, in order. Once the selected old equipment such as the old heat source unit and the old user unit are replaced with the new heat source unit and the new user unit, and are connected together in the second step, those elements stay connected and are directly followed by the normal operation; elements such as the new heat source and user unit are not removed after the second step.

In contrast, Applicants assert that the Unezaki invention relates to a pipe washing device and method thereof (see the title of the Unezaki invention). Applicants respectfully assert that the entire Unezaki device will be removed when the pipe washing process is finished because the Unezaki device washes *only* and is not intended to stay connected thereafter. Applicants respectfully assert that Unezaki's structure necessitates *removal of the entire device including the oil collecting device 9 of Unezaki from the so-called existing pipes 4 and 6*, and that causes failure of a change over to the normal operation state directly occurs after washing process as recited in independent claim 5.

With regards to the Taira invention, in addition to the comments stated in the February 4, 2009 Amendment, Applicants further assert that Taira does not disclose or suggest the series of steps as mentioned above. Especially, Taira is *absolutely silent* about changing over a refrigerant circuit that is composed of the *existing* refrigerant piping with the *new* heat source unit and the *new* user unit to normal operation state which has the oil collecting device attached thereto. More specifically, Taira does not disclose or suggest the step and the structure that the existing piping is reused throughout the steps along with the replacement of the old heat source unit and the old user unit with the new heat source unit and the new user unit, and the entire refrigerant circuit to be changed over to the normal operation state while *reusing* the existing piping with the new heat source unit and the new user unit, and the oil collecting device is attached and stays connected thereafter.

In a manner similar to that recited in claim 5, independent claim 7 now recites that the refurbished air conditioner requires a new heat source unit and a new user unit replacing the old heat source unit and the old user unit when updating the air conditioner is complete. As mentioned above, Applicants respectfully assert that the relationship of the heat source unit and the user unit before and after *updating* as recited in independent claim 7 is not disclosed or suggested by Unezaki and Taira.

Appl. No. 10/521,020

Reply to Office Action of November 6, 2008 and following the February 4, 2009 Amendment
Supplemental Amendment dated February 9, 2009

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* element of the claim within the reference. Therefore, Applicants respectfully submit that claims 5 and 7, as now amended, are *not* anticipated by the prior art of record.

Moreover, Applicants believe that the dependent claim 6 is also allowable over the prior art of record in that it depends from independent claim 5, and therefore is allowable for the reasons stated above. Also, the dependent claim 6 is further allowable because it includes additional limitation. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 5, neither does the prior art anticipate the dependent claim.

Applicants respectfully request withdrawal of the rejections.

Conclusion

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 5-7 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Limited Recognition No. L0395

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Dated: February 9, 2009

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